



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

December 30, 1994

Mr. Jerry E. Drake, Jr.
Assistant City Attorney
City of Denton
215 East McKinney
Denton, Texas 76201

OR94-873

Dear Mr. Drake:

The City of Denton (the "city") received a request from the Office of the Attorney General ("the attorney general") for information about a former employee. You have asked whether this information is subject to disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 30342.

The request for information about the employee states that it was made pursuant to section 77.001 of the Texas Human Resources Code:

(a) The state agency designated to administer a statewide plan for child support may establish and conduct a parent locator service which shall be used to obtain information as to the whereabouts, income, and holdings of any person when such information is to be used for the purposes of locating such person and establishing or enforcing a support or medical support obligation against such person.

(b) The designated state agency is entitled to request and obtain such information from state and local government agencies, private companies, institutions, or other entities as deemed necessary to carry out the provisions of this Act. Such government and private entities shall furnish any information so requested and known to such entity to the designated agency unless state or federal law specifically provides that the information may not be disclosed to the designated agency office.

The attorney general is designated to administer Texas' child support plan. Hum. Res. Code § 76.001. Section 76.002(c) of the Human Resources Code also specifically provides that in trying to establish or enforce child support obligations the attorney general "is entitled to obtain records and information relating to the location, income, and property holdings of an absent parent from other state and local agencies." See Open Records Decision No. 516 (1989) at 3 (statute provides express authority for attorney general to obtain home addresses for parents who are not fulfilling their child support obligations). The attorney general in this instance is trying to locate the former employee and to that end the request asks for the former employee's home address and home telephone number.

You are concerned that the city is prohibited from releasing this information to the attorney general. The former employee requested that his home address and home telephone number be kept confidential, pursuant to sections 552.024 and 552.117 of the Government Code. These sections protect from public access the home addresses and home telephone numbers of current or former governmental employees who have chosen to keep this information private. Section 552.024 provides that governmental employees who do not want their home addresses and home telephone numbers to be publicly accessible must take that option within fourteen days after starting or ending their employment with the governmental body. After fourteen days, an employee wanting to open or close access must so request in writing. If an election is not made, the information is subject to public access. See Open Records Decision Nos. 530 (1989) at 5; 482 (1987) at 4. You indicate that the former employee has complied with the requirements of section 552.024.

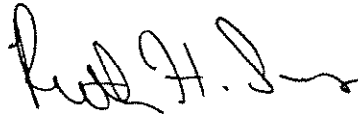
In Open Records Decision No. 516, this office considered a similar situation. The Department of Public Safety ("DPS") received a request from the attorney general for information about a peace officer whose home address and home telephone number was protected from public disclosure under section 552.117. This office determined that the requested information could be transferred from the DPS to the attorney general without destroying its confidential nature and without making it public.¹ Open Records Decision No. 516 (1989) at 4-5. Such an interagency transfer is not a public disclosure. *Id.*

¹You state that you are also concerned that information provided to the attorney general pursuant to section 77.001 may not be maintained as confidential by that office. As we have indicated, the attorney general has authority to collect information to help locate absent parents under both sections 76.002(c) and 77.001(b). We note that section 76.006(a) makes confidential files and records of services that have been provided under chapter 76. Information that must be kept confidential includes information obtained about custodial and non-custodial parents, children, and presumed or alleged fathers. *Id.* Such information may be used only for "purposes directly connected with the administration of the child support, paternity determination, parent locator, or aid to families with dependent children programs." *Id.* at 76.006(c); see also Open Records Decision No. 516, at 5 ("the names and addresses of those involved with Child support Services are confidential pursuant to state law").

Although you acknowledge that Open Records Decision No. 516 presented a similar situation, you are concerned that the decision may have been limited in its application to chapter 76 and point out that the request for information cited section 77.001. As indicated above, the attorney general has specific statutory authority under both sections 76.002(c) and 77.001 to obtain information about parents in order to establish and enforce child support obligations. Open Records Decision No. 516 is therefore applicable to this request for information.²

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and may not be relied upon as a previous determination under section 552.301 regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Ruth H. Soucy
Assistant Attorney General
Open Government Section

RHS/LRD/rho

Ref.: ID# 30342

Enclosures: Submitted documents

cc: B. Leary
Office of the Attorney General
P.O. Box 12548
Austin, Texas 78711-2548
(w/o enclosures)

²Although a transfer of the requested information to the attorney general is not a public disclosure, we note that the former employee's home address and home telephone number may not be disclosed to the public pursuant to sections 552.117 and 552.024.

Providing the former employee's social security number to the attorney general is also not a public disclosure. We note, however, that the former employee's social security number may be protected from public disclosure pursuant to section 405(c)(2)(C)(vii)(I), title 42, of the United States Code. That section makes confidential social security numbers "that are obtained or maintained . . . pursuant to any provision of law, enacted on or after October 1, 1990." *Id.* We direct your attention to Open Records Decision No. 622 (1994), concerning the public disclosure of social security numbers.